

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - RQR-12020 - APPLICANT: REAGAN
NATIONAL ADVERTISING - OWNER: JG SAHARA LLC**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL
MEETING AT THE REQUEST OF THE APPLICANT.***

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If approved, subject to:

Planning and Development

1. The applicant shall obtain building permits and call for final inspection by the Building and Planning Department within thirty (30) days of approval by the City Council.
2. The Special Use Permit shall be reviewed in one (1) year at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign be removed.
3. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. If the existing Off-Premise Advertising (Billboard) Sign is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Required Two Year Review of an approved Special Use Permit (SUP-3973) which allowed a 40 foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 1000 East Sahara Avenue.

EXECUTIVE SUMMARY

This is the first review of the subject Off-Premise Advertising (Billboard) Sign, which was constructed in 2004. A site inspection was conducted on 04/07/06, which revealed that the sign contained graffiti. Also, final inspection was never completed on the subject site. A condition of approval has been added that requires the applicant to obtain a final inspection within thirty (30) days of approval by the City Council, if approved. Also, the sign is located within the proposed Redevelopment Expansion Area. Therefore, staff cannot support the Required Review as it has not complied with the previous conditions of approval.

BACKGROUND INFORMATION

A) Related Actions

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| 05/05/04 | The City Council approved a Required Two Year Review of an approved Special Use Permit (SUP-3973) which allowed a 40 foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 1000 East Sahara Avenue. The Planning Commission recommended denial; staff recommended approval on 04/19/04. |
| 05/11/06 | The Planning Commission voted (6-0) to recommend DENIAL (PC Agenda Item #30/bs). |
| 05/17/06 | The City Council approved a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval on 04/13/06. |

B) Pre-Application Meeting

A pre-application meeting is not required for a Required Review application.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Required Review application, nor was one held.

D) Business License History

A building permit was issued for the subject billboard on 06/22/04. A final inspection was never completed. A condition of approval has been added, which requires a final inspection within thirty (30) days of final approval.

E) Site Inspection

A site inspection was completed on 04/07/06. The inspection revealed that the sign does not comply with the previous conditions of approval regarding maintenance. Graffiti was present on the base of the sign.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.83

B) Existing Land Use

Subject Property:	Multi-tenant retail building
North:	Offices
South:	Multi-tenant retail buildings
East:	Office
West:	Trinity School

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	SC (Service Commercial)
South:	Clark County
East:	SC (Service Commercial)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: Clark County
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. The existing C-1 (Limited Commercial) zoning district is consistent with the General Plan designation, and the proposed Off-Premise Advertising (Billboard) Sign is a permitted use with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

The proposed expansion of the Downtown Redevelopment Plan map of the Las Vegas Redevelopment Plan to designate future land use designations as Commercial, Mixed-Use, Industrial or Public Facility located within the Redevelopment Plan expansion area and within other areas of the Las Vegas Downtown Redevelopment Plan map.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

The existing Off-Premise Advertising (Billboard) Sign is subject to a minimum 300-foot separation from other Off-Premise Advertising (Billboard) Signs. In addition, the sign cannot be located less than 300 feet from the nearest property line of a lot in the U (Undeveloped) Zoning District or any "R" Zoning District.

The subject sign is greater than 300 feet from any other Off-Premise Advertising (Billboard) Sign and from any residential zoning district, thereby meeting the distance separation requirements.

Pursuant to Title 19.14, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Advertising (Billboard) Sign Exclusionary Zone except in exempted areas	Not located within the Exclusionary Zone
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a C-1 (Limited Commercial) zoning district
Area	No Off-Premise Advertising (Billboard) Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Each face is 672 square feet. The sign contains no embellishments.
Height	No higher than 40 feet from grade at the point of construction	Maximum height of 40 feet from grade
Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened from view; in addition, the support pole is covered to match the on-premises building design

Other	All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on strictly commercial property
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The existing Off-premise Advertising (Billboard) Sign meets the provisions of the current Title 19 sign code.

B) General Analysis and Discussion

- Zoning

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the SC (Service Commercial) category of the General Plan.

- Use

Title 19 defines an Off-Premise Advertising (Billboard) Sign as any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed. The existing location of the sign is behind an existing building, which overhangs the roof in order to be visible from Sahara Avenue. The proposed extension of the existing use is not compatible with the goals of the Redevelopment Plan Area. Therefore, staff cannot support the continuation of the billboard at this location.

- Conditions from Special Use Permit (SUP-3973)

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign be removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval by City Council. Failure to

perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
6. Only one advertising sign is permitted per sign face.
7. If the existing Off-Premise Advertising (Billboard) Sign is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
8. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

9. The proposed sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Adequate maintenance has not been performed on the Off-Premise Advertising (Billboard) Sign since the past review of the Special Use Permit. Failure to perform required maintenance is grounds for removal of the Off-Premise Advertising (Billboard) Sign. In addition, the sign is located within the proposed Redevelopment Expansion Area. Therefore, staff is recommending denial and removal of the use.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the existing billboard as it is located within the proposed Redevelopment Expansion Area. Approval of the request would not support the goals of Redevelopment Area, which encourages new developments. Staff is recommending denial of the subject review.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The Off-Premise Advertising (Billboard) Sign will not generate additional vehicular trips or have an impact on traffic in the area.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The Off-Premise Advertising (Billboard) Sign will be subject to regular inspection and will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 10

SENATE DISTRICT 9

NOTICES MAILED 105 by City Clerk

APPROVALS 0

PROTESTS 0